

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**KELLY CEPHAS-HILL  
3300 WOODMERE HOLLOW DRIVE  
CANAL WINCHESTER, OHIO 43110**

**PLAINTIFF,**

**v.**

**LINDEN MEDICAL CENTER/  
MID-OHIO FAMILY PRACTICE  
ASSOCIATES  
2339 LINDEN AVENUE  
COLUMBUS, OHIO 43211**

**-AND-**

**WEST BROAD FAMILY  
HEALTH CARE CENTER  
2800 WEST BROAD STREET  
COLUMBUS, OHIO 43204**

**-AND-**

**NATHANIEL THOMPSON  
2339 LINDEN AVENUE  
COLUMBUS, OHIO 43211**

**DEFENDANTS.**

**CASE NO.**

**JUDGE**

**MAGISTRATE JUDGE**

**JURY DEMAND ENDORSED  
HEREON**

Plaintiff, Kelly Cephas-Hill, complaining of Defendants Linden Medical Center/Mid-Ohio Family Practice Associates and West Broad Family Health Care Center alleges as follows:

**PARTIES**

1. Plaintiff Kelly Cephas-Hill (hereinafter "Plaintiff"), is an individual citizen of the State of Ohio with an address at 3300 Woodmere Hollow Drive, Canal Winchester, Ohio 43110.

2. Defendants Linden Medical Center/Mid-Ohio Family Practice Associates 2339 Linden Avenue, Columbus, Ohio 43211, Franklin County and West Broad Family Health Care Center, 2800 West Broad Street, Columbus, Ohio 43204, Franklin County are private medical practices/pharmacies and employers of the Plaintiff. Defendant Nathaniel Thompson is an individual with a business address of 2339 Linden Avenue, Columbus, Ohio 43211. Defendant Thompson is also an owner and/or agent of the above medical practices/pharmacies and was an employer of the Plaintiff.

3. The acts complained of herein took place in Franklin County, Ohio.

4. Plaintiff was employed with Defendants as a Nurse Practitioner from August 12, 2019 to February 27, 2020 when she was constructively discharged.

### **JURISDICTION AND VENUE**

5. Jurisdiction is based upon causes of action involving federal statutes pursuant to 28 USC Section 1331.

6. Venue is lies in the Southern District of Ohio pursuant to 28 U.S.C. Section 1391 based upon the illegal acts of Defendants which occurred in the County of Franklin, State of Ohio.

### **FIRST CLAIM FOR RELIEF:** **RETALIATION, 31 USC § 3730(h) AGAINST DEFENDANTS LINDEN MEDICAL** **CENTER/MID-OHIO FAMILY PRACTICE ASSOCIATES AND WEST BROAD** **FAMILY HEALTH CARE CENTER**

7. The allegations of the prior paragraphs are incorporated as if fully set forth below.

8. During the course of Plaintiff's employment with Defendants, Defendants submitted false claims for payment from the United States government by engaging in medically unnecessary services from Medicare/Medicaid patients. Among other fraudulent and illegal conduct, Defendants searched their medical files and/or with Defendants' full knowledge, permitted a third party laboratory to search their medical files in order to obtain the names and Medicare/Medicaid billing numbers of patients in order to solicit, conduct and bill for DNA tests that were medically unnecessary.

9. During the course of Plaintiff's employment with Defendants and continuing up to the point of the Plaintiff's constructive discharge, Defendants knowingly and/or intentionally made, used, and/or caused to be made or used and/or knowingly permitted, false records or statements material to false or fraudulent claims for payment from the United States government.

10. During the course of Plaintiff's employment with Defendants, Defendants knowingly made, used, and/or caused to be made or used, and/or knowingly permitted, false records or statements material to an obligation to pay or transmit money or property to the United States government, or knowingly concealed or knowingly and improperly avoided or decreased obligations to pay or transmit money or property to the United States government.

11. During the course of Plaintiff's employment with Defendants, Plaintiff engaged in acts in furtherance of an action under 31 USC § 3729 and/or engaged in other efforts to stop one or more violations of 31 USC § 3729 by bringing illegal conduct to Defendants' attention and/or by refusing to participate in a scheme to defraud the United States government and/or by reporting internally the existence of fraudulent activity.

12. During the course of Plaintiff's employment with Defendants, as a direct and proximate result of Plaintiff's protected activity, Defendants took adverse action against Plaintiff and/or caused her constructive discharge. Defendants' conduct was in violation of 31 USC § 3730(h).

13. As a direct and proximate result of Defendants' conduct as set forth above, Plaintiff has suffered loss of compensation, loss of fringe benefits, loss of the opportunity to be able to continue the gainful employment in which she has been engaged previously, loss of future earnings, future earning capacity and loss of reputation, humiliation, embarrassment, loss of self esteem, adverse health, emotional distress and loss of time and money endeavoring to protect herself from Defendants' unlawful conduct, including costs, expert's fees, attorney's fees and interest.

**SECOND CLAIM FOR RELIEF:**  
**FLSA OVERTIME CLAIM, 29 U.S.C. §§ 201, ET SEQ., AGAINST DEFENDANTS**  
**LINDEN MEDICAL CENTER/MID-OHIO FAMILY PRACTICE ASSOCIATES,**  
**WEST BROAD FAMILY HEALTH CARE CENTER AND NATHANIEL THOMPSON**

14. Plaintiff realleges and incorporates the prior paragraphs as if they were set forth again herein.

15. At all relevant times, Defendants have been, and continue to be, an "employer" engaged in interstate "commerce" and/or in the production of "goods" for "commerce," within the meaning of FLSA, 29 U.S.C. § 203.

16. Pursuant to FLSA sections 201, 203, 215, 216, 226, 226.6, 1174, 1194, 1194.2, 1197 and 1199, it is unlawful for an employer, such as Defendants, to suffer or permit an employee to work without paying wages for all hours worked.

17. Plaintiff is entitled to be paid overtime compensation for all overtime hours worked, pursuant to the FLSA.

18. At all relevant times, Defendants had a policy and practice of failing and refusing to pay Plaintiff overtime compensation for hours worked in excess of forty (40) hours per week.

19. By failing to compensate Plaintiff overtime for hours of work she performed in excess of forty (40) hours per week as required by the FLSA, Defendants violated the FLSA, 29 U.S.C. §§ 201, *et seq.*, including 29 U.S.C. §§ 207(a)(1) and 215(a).

20. The foregoing conduct, as alleged, constitutes a willful violation of the FLSA, within the meaning of 29 U.S.C. § 255(a).

21. Plaintiff seeks recovery of attorney's fees and costs of action, to be paid by Defendants, as provided by the FLSA, 29 U.S.C. § 216(b).

22. Plaintiff seeks damages in the amount of the respective unpaid overtime compensation, plus liquidated damages, as provided by the FLSA, 29 U.S.C. § 216(b), and such other legal and equitable relief as the Court deems just and proper.

**WHEREFORE**, Plaintiff prays, as to each Defendant, jointly and severally, as follows:

- (a) That this Court award such equitable relief as is proper as compensation for the loss of Plaintiff's opportunity to engage in gainful employment, including relief in the form of front pay;
- (b) That this Court award Plaintiff compensation for adverse health effects, for the loss of his opportunity to engage in gainful employment, and future earnings, future earning capacity and for humiliation, embarrassment, loss of reputation, loss of self-esteem, adverse health and for emotional distress;
- (c) That this Court award Plaintiff all lost wages and benefits including double back pay;
- (d) That this Court award Plaintiff statutory damages, including any liquidated damages;
- (e) That this Court award Plaintiff punitive damages;

- (f) That this Court award Plaintiff reasonable attorney's fees, statutory attorney's fees, expert's fees and the costs of this action;
- (g) That this Court award pre-judgment and post-judgment interest;
- (h) That this Court grant each Plaintiff such other and further relief as may be just and equitable.

Respectfully Submitted,

/s/Rayl L. Stepter  
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Trial Attorney for Plaintiff

Plaintiff demands trial by jury.

/s/Rayl L. Stepter  
Rayl L. Stepter  
Trial Attorney for Plaintiff